

## ROUTING COVER SHEET

Agenda Bill Title: DRAFT CITY BALLOT MEASURE "THE FLOWER FIELDS, STRAWBERRY FIELDS, OPEN SPACE AND PUBLIC TRACT PROTECTION ACT OF 2006"

Requested Council Meeting Date: 5/16/2006

Initiator: CITY ATTORNEY Department: \_\_\_\_\_ Phone 2891 ☐

Public Hearing Noticing Requirement \_\_\_\_\_ Days

## Preliminary Review Conducted By:

<input type="checkbox"/> City Attorney	<input type="checkbox"/> N/A	<input type="checkbox"/> Finance Department	<input type="checkbox"/> Other
<input type="checkbox"/> Ron Ball		<input type="checkbox"/> _____	<input type="checkbox"/> _____
<input type="checkbox"/> Jane Mobaldi		<input type="checkbox"/> _____	<input type="checkbox"/> _____
<input type="checkbox"/> Ron Kemp		<input type="checkbox"/> _____	<input type="checkbox"/> _____
<input type="checkbox"/> Paul Edmonson	<input type="checkbox"/> N/A		<input type="checkbox"/> N/A



## Final Approval Process

	<u>Initials</u>	<u>Date</u>
✓ Department Head Comment: _____	<u>SA</u>	<u>5-10-06</u>
✓ Leadership Team Member Comment: _____	_____	_____
➔ <b>Submit to City Manager's Secretary for Continuation of Processing</b>		
✓ Financial Management Director Comment: _____	_____	_____
✓ City Attorney Comment: _____	<u>CB</u>	<u>5-9-06</u>
✓ City Manager Comment: _____	<u>RP</u>	<u>5/10/06</u>
✓ City Clerk for Processing Comment: _____	_____	_____

## Conformed Agenda

☐ Copy Sent to: \_\_\_\_\_ Date: \_\_\_\_\_

## CITY OF CARLSBAD - AGENDA BILL

AB# _____	<b>TITLE:</b> DRAFT CITY BALLOT MEASURE "THE FLOWER FIELDS, STRAWBERRY FIELDS, OPEN SPACE AND PUBLIC TRAILS PROTECTION ACT OF 2006"	DEPT. HD. _____
MTG. <u>5/16/06</u>		CITY ATTY. <u></u>
DEPT. <u>CA</u>		CITY MGR <u></u>

### RECOMMENDED ACTION:

That the City Council discuss, review and make appropriate changes to the draft City Ballot Measure regarding the flower fields and strawberry fields area of the City entitled "The Flower Fields, Strawberry Fields, Open Space And Public Trails Protection Act Of 2006" and refer to the Citizen's Committee.

### ITEM EXPLANATION:

At a City Council workshop held on April 5, 2006, the Council requested the drafting of a proposed city ballot measure regarding the Flower and Strawberry Fields area of the City. The draft was to be prepared to reflect the outline of the ballot measure discussed by the Council at the workshop meeting. Attached as Exhibit 1 to this agenda bill is the draft measure. Also attached as Exhibit 2 is a copy of the outline of the measure from the workshop. The Council should review the draft to make sure it reflects the outline and that it meets Council's intentions regarding this matter.

The draft of the ballot measure will be used for two purposes at this time: (1) to initiate the environmental review process for the measure required by the California Environmental Quality Act (CEQA); and (2) to forward the draft to the recently established Citizen's Committee to Study the Flower and Strawberry Fields Area for its review in conjunction with the other two initiatives regarding this area. The Council is not being requested to formally approve or adopt the draft measure at this time but only to accept it as a draft for the above-stated purposes. Once the environmental review is complete and the Citizen's Committee has completed its charge, the proposed measure will be returned to the Council at a regular meeting for formal consideration. Formal consideration will include adopting the CEQA document, requesting the measure to be placed on the ballot in a consolidated election, authorizing the City Attorney to prepare an impartial analysis, accepting reports prepared pursuant to Elections Code section 9212, and authorizing ballot arguments, if any.

### ENVIRONMENTAL REVIEW:

A city-proposed ballot measure is required to undergo environmental review pursuant to CEQA. Staff is presently initiating this review which will be required to undergo a 45-day public review process.

### FISCAL IMPACT:

There are no fiscal impacts associated with the Council reviewing the draft ballot measure at this time. The fiscal impacts of the measure will be analyzed as part of the Election Code section 9212 report and presented to the City Council when the measure is returned for formal consideration.

### EXHIBITS:

1. Draft City Ballot Measure entitled "The Flower Fields, Strawberry Fields, Open Space And Public Trails Protection Act Of 2006"
2. Outline of measure reviewed by Council on April 5, 2006

COUNCIL ACTION:

**The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act  
of 2006**

The People of the City of Carlsbad do hereby enact and ordain:

**1. Section 1. TITLE**

- 1.1** This measure shall be known and may be cited as the **"The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act of 2006"**.

**2. Section 2. PURPOSE, LOCATION AND FINDINGS**

- 2.1 Purpose.** The purpose of this measure is to ensure that the Flower Fields and Strawberry Fields area located along the Cannon Road corridor east of the Interstate 5 freeway is preserved in open space and that farming is allowed to continue as long as it is viable. The purpose is also to allow public use, access and community gathering places to occur in the area in a manner that will not adversely impact farming and the unique open space and environmental resources located in the area. This measure is intended to create a sustainable area that balances social, economic and environmental values important to the community. This measure amends the General Plan which contains the vision for the future of the City, the Zoning Ordinance and the City's Local Coastal Program to designate the area for special planning consideration and to establish the regulatory mechanisms to ensure that the area is retained in open space, that farming is allowed to continue and that public access is provided to the area.

- 2.2 Location and Description of the Area Affected by Measure.** The area affected by this measure is shown on Exhibit A provided herein. It contains approximately 355 acres of land located in the central portion of the City along Cannon Road east of the Interstate 5 freeway. The area presently consists primarily of open space and farming operations and contains the existing Flower Fields located south of Cannon Road and the area generally known as the Strawberry Fields located on the north side of Cannon Road adjacent to Interstate 5 and the south shore of the Agua Hedionda Lagoon. The City presently leases a portion of the Strawberry Fields area (approximately 91 acres) on the north side of Cannon Road (generally known as Hub Park) which was leased for potential future, public park uses. The most easterly end of the area on the north side of Cannon Road contains environmentally-sensitive, natural vegetation that is identified in the City's Habitat Management Plan as part of a proposed habitat preserve system. For purposes of this measure, the area shall herein be identified as "The Cannon Road Open Space, Farming and Public Use Corridor" and has been divided into five sub-areas as shown on Exhibit A. Sub-area A is located at the northeast corner of Cannon Road and the Interstate 5 freeway. It is presently farmed but is also presently designated in the General Plan for T-R (Travel/Recreation Commercial) uses and zoned P-U (Public Utility) uses. Sub-area B is the remainder of the area located on the north side of Cannon Road adjacent to Agua Hedionda Lagoon. This sub-area contains existing farming

operations, the portion of the area leased by the City, powerline easements and some environmentally-sensitive habitat restricted by an open space easement. This sub-area is presently designated for Open Space in the General Plan, however except for a small portion, it is presently zoned P-U (Public Utility) that allows uses such as energy production facilities. Sub-area C is the existing Flower Fields that are presently protected as Open Space as part of the previous approval of the Carlsbad Ranch/Legoland project. Sub-areas D and E are existing open space lots located on the south side of Cannon Road that were originally planned to be part of a larger golf course that was never developed.

**2.3 Findings.** The People of the City of Carlsbad find and declare that the subject area affected by this measure is currently regulated by City policy and established land use documents including the City of Carlsbad General Plan, the City Zoning Ordinance, the Carlsbad Habitat Management Plan (Sub-areas A and B), the Agua Hedionda Land Use Plan (Sub-areas A and B), the Mello II Local Coastal Plan (Sub-areas C, D and E), the South Carlsbad Coastal Redevelopment Plan (Sub-area A), the Carlsbad Ranch Specific Plan (Sub-areas C, D and E) and the City's Growth Management Plan. The People of the City of Carlsbad desire these land use documents and City policies to be amended to (1) ensure that this area is permanently protected and preserved for open space uses; (2) allow the farming operations in the area such as the Strawberry Fields to continue; (3) enhance the existing protections of the Flower Fields; (4) provide for the protection of environmental resources in the area including compliance with the City's Habitat Management Plan; (5) incorporate public trails, pedestrian accessibility and other complementary and compatible public uses into the area and (6) prohibit residential, industrial and commercial land uses.

### **3. Section 3. GENERAL PLAN AMENDMENTS**

The Carlsbad General Plan is hereby amended as set forth in this Section.

**3.1** The Land Use Element at page 27, Section II (D) is hereby amended to add a new Land Use Element Section II (D) (8) to read as follows:

**8. The Cannon Road Open Space, Farming and Public Use Corridor**

The area along the Cannon Road corridor east of the Interstate 5 freeway presently consist primarily of open space and existing farming operations including the Flower Fields located to the south of Cannon Road and the existing Strawberry Fields located to the north of Cannon Road. The open space areas on the north side of Cannon Road provide spectacular views of the Agua Hedionda Lagoon and contain environmentally-sensitive natural habitat areas that need to be permanently protected.

The existing Flower Fields and the Strawberry Fields as open space uses provide for productive use of portions of the area that enhance the cultural heritage and history of the City. Although the Flower Fields are already protected and restricted to agricultural use by the conditions of approval of the Carlsbad Ranch/Legoland project, the City

shall utilize all existing programs and land use protections and explore other possible new mechanisms to keep the Flower Fields in production. The City shall also ensure that other farming uses such as the existing Strawberry Fields are allowed to continue as long as it is economically viable for the farmer to do so.

The area is recognized for its significant open space opportunities, however, the area lacks adequate public access and public use areas so that the community can enjoy the open space opportunities provided in this area to their fullest potential. An interconnecting public trail through the area preferably linking the south shore of Agua Hedionda Lagoon with the existing Flower Fields could greatly enhance public access in the area. In addition, passive park and recreation uses that allow public gathering spaces and are compatible with other open space uses could offer opportunities for more community use and enjoyment of the area.

Residential use is not appropriate for the area. Commercial and industrial-type uses other than those normally associated with farming operations are also not appropriate.

The Cannon Road Open Space, Farming and Public Use Corridor presents a unique opportunity for the City to create a sustainable, community-oriented open space area that balances social, economic and environmental values important to the community.

- 3.2** The Land Use Element at pages 37 and 38, Agriculture-C. Implementing Policies and Action Programs is hereby amended by deleting existing C.3 and replacing it with a new C.3 to read as follows:

C.3 The City shall utilize all existing programs and land use protections and explore possible new grant programs and other outside financial assistance to keep the existing Flower Fields in permanent farming and flower production.

- 3.3** The Land Use Element at page 40, Section III; Goals, Objectives and Implementing Policies and Action Programs, is hereby amended to add a new section entitled Special Planning Considerations-The Cannon Road Open Space, Farming and Public Use Corridor to provide as follows:

**SPECIAL PLANNING CONSIDERATIONS-THE CANNON ROAD OPEN SPACE, FARMING AND PUBLIC USE CORRIDOR**

**A. Goal**

Create a unique, community-oriented open space area along the Cannon Road corridor located immediately to the east of the Interstate 5 freeway including the existing Flower Fields and Strawberry Fields.

**B. Objectives**

B.1 To ensure that this area is permanently protected and preserved for open space uses.

B.2 To enhance the protection of the existing Flower Fields.

B.3 To allow the farming operations in the area such as the existing Strawberry Fields to continue.



B.4 To provide for the protection and preservation of environmental resources in the area.

B.5 To increase public access to the area primarily through the incorporation of public trails and passive recreation.

C. Implementing Policies and Action Programs

C.1 Protect and preserve this area as an open space corridor. Permit only open space, farming and compatible public uses in the area. Permitted uses shall be as follows:

- (1) Open Space
- (2) Farming and other related agricultural uses including flower and strawberry production
- (3) Public trails
- (4) Passive park and public recreation facilities (except on the existing Flower Fields)
- (5) A civic center if specifically approved by a majority vote at an election for such purpose (except on the existing Flower Fields).

C.2 Prohibit residential development in the area.

C.3 Prohibit commercial and industrial-type uses in the area other than those normally associated with farming operations.

C.4 Enhance public access and public use in the area by allowing compatible public trails, community gathering spaces and passive park and recreation uses.

C.5 Allow farming to continue in the area for as long as viable.

C.6 Utilize all existing programs and land use protections and explore possible new mechanisms to keep the existing Flower Fields in production.

C.7 If determined to be necessary, the City shall amend the Zoning Ordinance and adopt a Cannon Road Open Space, Farming and Public Use Corridor Overlay Zone to apply to the area that would provide more detail on permitted uses and land use regulations applicable to the area.

3.4 The General Plan Land Use Map contained in the Land Use Element at page 7 shall be amended to change the land use designation of Sub-area A as shown on Exhibit A provided herein from T-R (Travel/Recreation Commercial) to OS (Open Space).

3.5 The Open and Conservation Maps contained in the Open Space and Conservation Element at pages 35 and 36 shall be amended to show Sub-area A as shown on Exhibit A provided herein as Existing/Approved Open Space.

#### 4. Section 4. ZONING ORDINANCE AMENDMENTS

The Carlsbad Zoning Ordinance is hereby amended as set forth in this Section.

4.1 The official Zoning Map is amended to rezone Sub-area A as shown on Exhibit A provided herein from the P-U (Public Utility) zone to the OS (Open Space) zone and to rezone all of Sub-area B not presently zoned Open Space from the P-U (Public Utility) zone to the OS (Open Space) zone.

- 4.2** The Carlsbad Ranch Specific Plan (SP 207) that regulates uses and development in Sub-areas D and E as shown on Exhibit A provided herein and also as identified as Planning Area 8a and 8b in Specific Plan 207 shall be amended to delete all references to golf course use and to make all other applicable modifications so that only the following uses will be permitted in the sub-areas: (1) Farming and other related agricultural uses including flower and strawberry production; (2) Public trails; (3) Passive park and public recreation facilities and (4) Civic center if specifically approved by a majority vote at an election for such purpose.

**5. Section 5. LOCAL COASTAL PROGRAM LAND USE PLAN  
AMENDMENTS**

The Carlsbad Local Coastal Program is hereby amended as set forth in this Section and the City Council shall submit these amendments to the California Coastal Commission for approval.

- 5.1** The Land Use Map of the Local Coastal Program Agua Hedionda Segment Land Use Plan is hereby amended to change the land use designation of Sub-area A as shown on Exhibit A provided herein from TS (Travel Services Commercial) to OS (Open Space).
- 5.2** The Agua Hedionda Land Use Plan is hereby amended to delete all references, policies and other provisions relating to Sub-area A and B as shown on Exhibit A provided herein that conflict with the provisions of Section 3.1 and 3.3 of this measure. The conflicting provisions shall be replaced with the applicable provisions of Section 3.1 and 3.3 of this measure.
- 5.3** The Local Coastal Program Mello II Segment Land Use Plan is hereby amended to delete all references, policies and other provisions relating to the Carlsbad Ranch, Planning Area 8a and 8b shown as Sub-areas D and E on Exhibit A provided herein that conflict with the provisions of Section 4.2 of this measure. The conflicting provisions shall be replaced with the applicable provisions of Section 4.2 of this measure.

**6. Section 6. AUTHORIZATION TO EXPEND CITY FUNDS FOR PUBLIC  
TRAILS**

- 6.1** The City Council is hereby authorized to spend city funds from various sources including the General Fund in the amount that may exceed \$1 million to develop public trails in the area identified in this measure as "The Cannon Road Open Space, Farming and Public Use Corridor". To the maximum extent feasible, the trails shall be interconnected throughout the area and shall provide a pedestrian link along the south shore of Agua Hedionda Lagoon and a connection between the south shore of the lagoon and the existing Flower Fields.

**7. Section 7. IMPLEMENTATION**

- 7.1 Effective Date.** This measure shall become effective upon passage by the voters in accordance with Elections Code 9217. With respect to the General Plan Amendments contained in Section 3 of this measure, if the number of General Plan Amendments in the calendar year as permitted by California Government Code Section 65358 have already been utilized, the Amendments to the General Plan enacted by this measure shall be the first amendment and shall become effective on January 1 of the next year following passage. With respect to the Local Coastal Program Amendments contained in Section 5 of this measure, the City shall submit the amendments to the California State Coastal Commission upon passage of this measure and they shall not become effective until approved by the Coastal Commission.

Upon the effective date of this measure, all entitlements (whether discretionary or ministerial) not yet issued or project approvals not yet approved, shall not be issued or approved unless they are consistent with all provisions of this measure.

The Carlsbad General Plan, Zoning Ordinance and Local Coastal Program presently in effect and as amended by this measure comprise an integrated, internally consistent and compatible statement of policies and land use regulations for the City. In order to ensure that these documents remain an integrated, internally consistent and compatible statement of policies and regulations for the City as required by State law and to ensure that the actions of the voters in enacting this measure are given full effect, any amendment to the Carlsbad General Plan, the Zoning Ordinance or the Local Coastal Program that is adopted prior to the effective date of this measure and that is inconsistent with any provision of this measure is hereby repealed.

- 7.2 Interpretation And Authority To Amend Other City Ordinances, Codes And Policies.** This measure shall be interpreted so as to be consistent with all federal and state laws. It shall also be broadly interpreted and construed in order to achieve the purposes and findings stated in the measure. The City is hereby authorized to make any other amendments to the General Plan, the Zoning Ordinance, the Local Coastal Program or any other plans, policies or ordinances necessary to fully implement the provisions of this measure and to ensure consistency between the provisions of this measure and all other elements of the General Plan, the Zoning Ordinance, the Local Coastal Program and any other plans, policies or ordinances. If deemed necessary, the City is authorized to amend the Zoning Ordinance to create and adopt a Cannon Road Open Space, Farming and Public Use Corridor Overlay Zone which would then be applied to the area affected by this measure. The Overlay Zone could provide more detail on permitted uses and regulations applicable to the area.
- 7.3 City Council Authority To Amend Measure If Taking Of Private Property Rights Occurs.** This measure shall be subject to amendment by the City Council without a subsequent vote of the People of Carlsbad if any portion or provision of this measure is determined to be any taking of private property rights or an inverse



condemnation of property by a final judgment of a court of competent jurisdiction, other judicially approved process, or other alternative dispute-resolution process. Such determination shall not affect the uncontested, remaining portions or provisions of this measure and the measure shall be amended in a manner that most narrowly construes the City's compliance obligations while at the same time retaining the broadest possible construction and implementation of this measure.

- 7.4 Severability.** If any section, sub-section, sentence, clause, phrase, part, or other portion of this measure, or application thereof, is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the remaining portions or provisions of this measure. It is hereby declared by the people voting for this measure that this measure, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, part, or portions, or the application thereof, are declared invalid or unconstitutional.
- 7.5 Conflicting Ballot Measures.** This measure is inconsistent with and intended as an alternative to any other initiative(s) or measure(s) placed on the same ballot that addresses the same subject matter as this measure. In the event that this measure and another initiative(s) or measure(s) addressing the same subject matter as this measure, or any part thereof, is approved by a majority of voters at the same election, and this measure receives a greater number of affirmative votes than any other such initiative(s) or measure(s), then this measure shall prevail and control in its entirety and said other initiative(s) or measure(s) shall be rendered void and without any legal effect.

#### **Exhibit List**

Exhibit A-Aerial Photo Map showing boundaries of Area and Sub-areas affected by this measure





Exhibit A  
The Cannon Road Open Space, Farming and Public Use Corridor  
City of Carlsbad



## PROPOSED BALLOT MEASURE

### The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act of 2006

#### Preamble:

- Create a Sustainable Community with social and environmental balance
- Provide a continuous public trail to and along the south shore of the Agua Hedionda Lagoon connecting to The Flower Fields
- Preserve The Flower Fields forever
- Provide opportunities for public access and community gathering places
- Allow farming, including strawberry and flower production, to continue

#### Terms of Measure:

- Prohibit residential development
- Require utilization of all existing programs, land use protections and other possible new mechanisms to keep the Flower Fields in permanent production
- ~~Redesignate areas A, B, and C to CA (Coastal Agriculture) Option~~ - Redesignate to Open Space
- Retain OS (Open Space) zoning on areas D and E
- Permit only the following uses in the Open Space areas:
  1. Farming, including strawberry and flower production
  2. Passive Park and Recreational Facilities (except on the existing Flower Fields)
  3. Public Trails
- A Civic Center if specifically approved by a majority vote at an election for such purpose (except on the existing Flower Fields)
- Do not allow the placement or encroachment of any permitted uses into the sensitive habitat areas identified in the Habitat Management Plan
- Authorize the City Council to spend \$1M on public trail(s) that would provide a continuous public access to and along the south shore of the Agua Hedionda lagoon connecting to The Flower Fields
- Gives Council the authority to redesignate land use if implementation of the measure is construed to be a taking of private property

#### Advantages of Measure

- Enhances existing protection of the Flower Fields, Strawberry Fields, and public accessibility to the Fields
- Permanently protects all existing open space areas
- Enhances the provision for public trails and pedestrian accessibility
- Ensures compliance with the Habitat Management Plan

#### Exhibit showing area subject to Measure



Deleted at  
4/5/06  
Workshop